Wife Abuse:
Report of the New Brunswick Working Group on Wife Battering.

Mauvais traitements infligés aux femmes: rapport du groupe de travail du Nouveau-Brunswick sur la violence faite aux femmes.

WOMEN'S DIRECTORATE
PROVINCE OF NEW BRUNSWICK

DIRECTION GÉNÉRALE DE LA CONDITION FÉMININE
PROVINCE DU NOUVEAU-BRUNSWICK

NEW BRUNSWICK WORKING GROUP ON WIFE BATTERING

REPORT

CABINET SECRETARIAT
WOMEN'S DIRECTORATE
MAY 1984

ISBN 0-88838-829-2

NEW BRUNSWICK WORKING GROUP ON WIFE BATTERING
REPORT

PAGE

1. TERMS OF REFERENCE.....1

2. DISCUSSION OF PROBLEM.....3

3. PRESENTATION OF MODEL.....7

4. INVENTORY OF SERVICES PRESENTLY IN PLACE.....18

5. WIFE BATTERING RESPONSE MECHANISMS AND SERVICE DELIVERY.....29

6. GENERAL RECOMMENDATIONS.....34

MEMBERS OF THE
NEW BRUNSWICK WORKING GROUP ON WIFE BATTERING

ELLEN KING	CHAIRPERSON ASSISTANT DEPUTY MINISTER/CABINET SECRETARIAT
DR. MARY SHARP	DIRECTOR OF PROGRAM DEVELOPMENT DEPARTMENT OF HEALTH
JOHN EVANS	CROWN PROSECUTOR PUBLIC PROSECUTIONS BRANCH DEPARTMENT OF JUSTICE
BILL SMITH	DIRECTOR OF PLANNING AND DEVELOPMENT DEPARTMENT OF EDUCATION
CECILE GUITARD	CONSULTANT FOR SCHOOL PSYCHOLOGICAL SERVICES DEPARTMENT OF EDUCATION
BILL WISTER	SENIOR PROGRAM CONSULTANT CHILDREN'S SERVICES DEPARTMENT OF SOCIAL SERVICES
LINDA JACKSON	DIRECTOR ADULT RESIDENTIAL SERVICES DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

NEW BRUNSWICK WORKING GROUP ON WIFE BATTERING

May 4, 1984

NEW BRUNSWICK WORKING GROUP ON WIFE BATTERING

MAY 4, 1984

EXECUTIVE SUMMARY

At the May, 1983 Federal/Provincial/Territorial Conference of Ministers Responsible for the Status of Women, the Honourable Judy Erola and Premier Richard Hatfield jointly proposed the establishment of a National Committee to study and prepare recommendations for action with respect to the issues of wife battering.

The New Brunswick Working Group on Wife Battering was formed with representation from the Departments of Education, Health, Justice and Social Services and was chaired by the Assistant Deputy Minister, Women's Directorate. The mandate of the working groups was to review existing programs and policies addressing the problems of battered women and to recommend future action to their respective governments. The recommendations of all provinces/territories were then presented at the May, 1984, meeting of the Ministers Responsible for the Status of Women. In preparing the New Brunswick report, various groups within the Province working with the victims and perpetrators of spousal violence met with and discussed possible solutions with the Interdepartmental Working Group.

The report of the New Brunswick Working Group examines the problem of wife battering and dispells some myths which cloud the issue. It is estimated that "every year in Canada one-tenth of the women who live with men as a couple are battered". There is no reason to believe that the incidence of wife battering in New Brunswick should differ from that estimated nationally. The report further emphasizes that wife battering occurs at all socio-economic levels, in all cultures and races, and in rural as well as urban areas. Two factors which may contribute to the incidence of wife battering (traditional attitudes regarding the relationship between men and women and the presence of violence in the childhood of the batterer) are identified and discussed.

The report presents a model for the delivery of services to victims of spousal violence and batterers.

Part I: Media Messages - Includes the dissemination of information through all forms of the media and through informal mechanisms.

Part II: Early Detection, Intervention, Referral - Provides pre-emptive responses/services in non-accute situations. Examples are programs for batterers and counselling programs through self-referral.

Part III: Intensive Community Support Services - This section outlines post-assault responses/services and post-crisis intervention responses/services such as Transition Houses, Second Stage Housing and intensive counselling programs.

Part IV: Crisis Response - This includes services to be provided where immediate physical protection and intervention is required.

Part V: Preventative Services - Various areas have been identified for the development of preventative measures and services by the education, health, justice and social service systems as well as by the volunteer/private sector.

Some of the services in the model are currently in place. These measures have been identified and listed within an inventory of existing services and/or policies in the province. Other services must be re-oriented or co-ordinated to place a greater emphasis on wife battering. till others remain to be developed and implemented.

The proposals for re-orientation and development of services are contained within the thirty-six recommendations formulated by the New Brunswick Working Group on Wife Battering. Of these recommendations, four require the creation of new programs to address family violence.

Recommendation 8 - Development of a publicity campaign addressing the prevention, the detection and the legal and social consequences of family violence.

Recommendation 21 - Establishment of a counselling program for batterers accessible through the health, justice and social service systems as well as on a voluntary, self-admission basis.

Recommendation 22 - Development of a joint police and social worker team to intervene in crisis situations. It is hoped that joint intervention will permit the recognition of the criminal nature of the offensive conduct, yet will introduce the availability and importance of counselling.

Recommendation 25 - Development of a prosecutions-based Diversion Program in strictly prescribed circumstances as indicated in Appendix B of the Recommendations.

1. TERMS OF REFERENCE

At the May, 1983 Federal/Provincial/Territorial Conference of Ministers Responsible for the Status of Women, the Honourable Judy Erola and Premier Hatfield, the Minister Responsible for the Status of Women in New Brunswick, jointly proposed the establishment of a National Committee to study and prepare recommendations for action with respect to the issue of wife battering. Consequently, all provinces and territories established Interdepartmental Working Groups.

The New Brunswick Working Group on Wife Battering was established in the Fall of 1983. The Working Group chaired by the Assistant Deputy Minister, Status of Women, included representatives from the Departments of Education, Health, Justice and Social Services.

The mandate of the Working Group was to review existing programs and policies which address the problems of battered women and to recommend future action to the Government. These recommendations are to be presented at the next meeting of the Ministers Responsible for the Status of Women scheduled for late May, 1984.

Prior to preparing its final report, the Working Group held discussions with several groups in the New Brunswick community currently assisting or serving the victims of spousal violence or batterers. A wealth of valuable written material and information was received from the various groups and individuals consulted.

The New Brunswick Working Group on Wife Battering also participated in three federal/provincial/territorial meetings on the subject of wife battering. At these meetings it was apparent that the approach of the New Brunswick Working Group to the various issues involved in spousal violence is consistent with that emerging across the country.

The New Brunswick Working Group hopes that its work will contribute to greater measures of protection to victims of wife battering, to better assistance for both the victims and the perpetrators of violence and, ultimately, to greater measures of prevention of the problem.

2. DISCUSSION OF PROBLEM

Definition

For the purpose of this Report, wife battering has been defined as physical or mental abuse of a woman by a man with whom the woman lives or has lived. The relationship need not have received legal sanction as a marriage.

The Problem

The actual prevalence of wife battering in New Brunswick is not known. However, it is felt that the incidence of domestic violence is much more widespread than is generally perceived.

The Report on Wife Battering prepared by the Standing Committee on Health, Welfare and Social Affairs in May, 1982, estimated that "every year in Canada one-tenth of the women who live with men as a couple are battered". Other reports indicate that this estimate may be conservative. One contributing factor to the imprecision of information regarding its prevalence is that reported cases, as well as those cases which have been processed through the judicial system, have not been recorded for the purpose of compiling statistics on wife battering.

Studies have also confirmed that this unacceptable behaviour occurs at all socio-economic levels, in families of all races and cultures, and in rural as well as urban areas. Studies further confirm that wife battering is rarely a one-time occurrence and frequently results in serious injury, miscarriage, permanent disability, even death.

Recent research reports indicate that batterers do not suffer from an identifiable mental disorder. They are not indiscriminately violent as many confine their violence to the family setting. Furthermore, their violence seems to be a learned behaviour: for example, a son may observe his father beating his mother, or he, himself, may have been beaten as a child. The child may have accepted this to be "normal behaviour".

Studies have also proven that although the use of alcohol and physical violence may coincide in a particular situation, alcohol is not ordinarily a cause but rather an excuse.

The reality of the situation is that many of the women who are victims of abuse are reluctant to leave home because they are economically dependent upon their husbands. They feel trapped but remain in the relationship for a variety of reasons: i.e., the children; unwillingness to disappoint parents; the preservation of the "couple" image; the time, money and energy already invested in their relationship, etc.

Studies indicate that most women want the marriage to work and live in constant hope that the husband will change. Women often rationalize "it's happening to me, so I'm responsible". They then strive to change themselves "to be a better wife". But what is not recognized is that no one has control over anyone else's behaviour.

The Causes

There is no single reason or easy answer to the question of why men batter the women with whom they live and profess to love.

Two factors which may contribute to the incidence of wife battering have been identified in various reports and studies. The first relates to traditional attitudes of some males regarding women.

Legislative provisions guaranteeing equality between men and women, whether contained in human rights legislation, employment legislation or the new Canadian Charter of Rights and Freedoms have not yet succeeded in completely erasing, in some individuals, the long-standing and ingrained beliefs that women are inferior beings, that the man is the head of the household, and that a wife and children are a man's possessions. These traditional attitudes which were well rooted in the common law system, religion and in various cultures which comprise Canadian society will only be lessened with time. Because it is necessary to change these attitudes, preventative measures included in the recommendations, and in particular those measures to be initiated in the school system, are crucial to controlling and eventually overcoming the problem of wife battering.

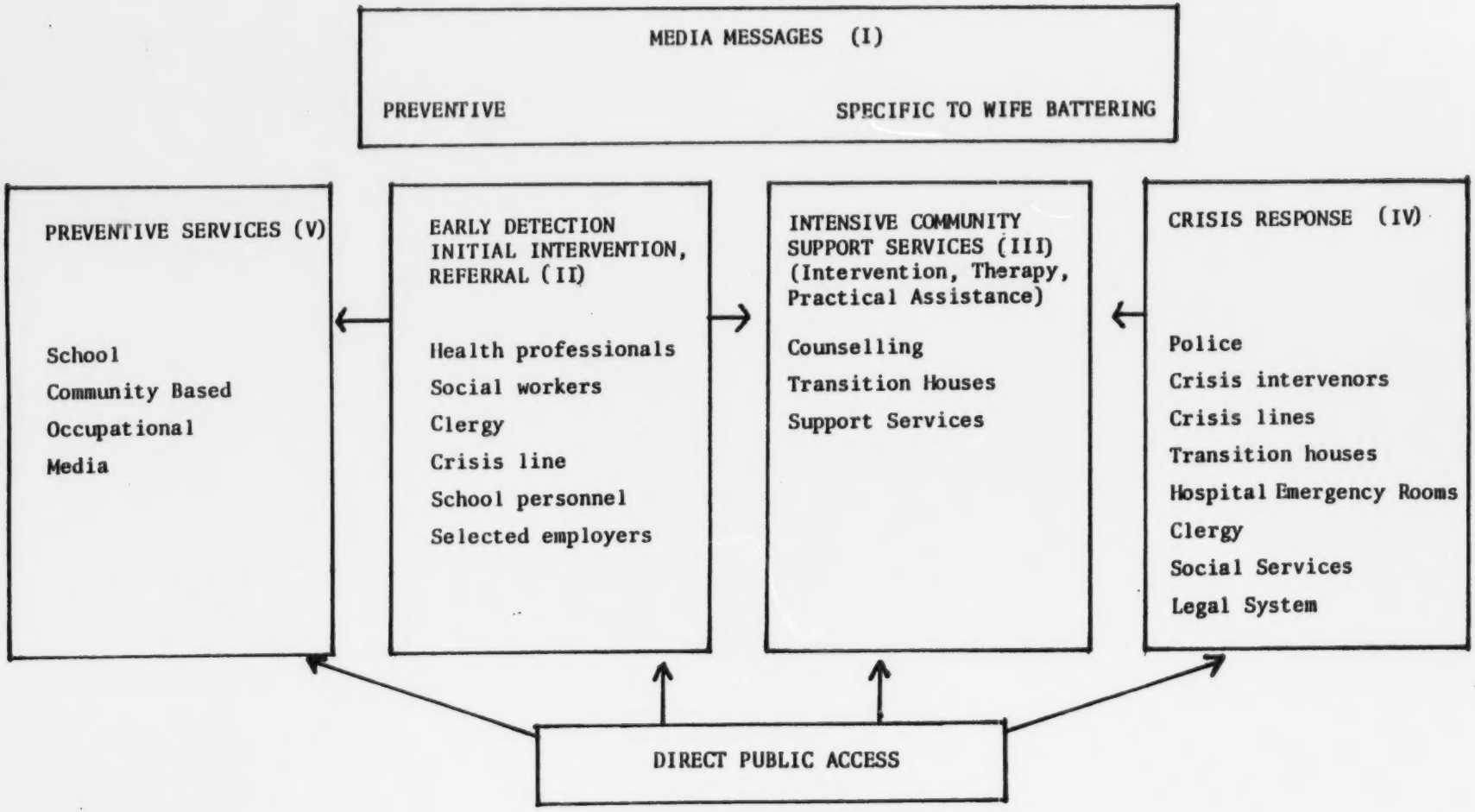
The second contributing factor relates closely to the first. Children who have been abused themselves may be more likely to behave violently in later relationships and usually accept the presence of violence in the family home as the norm.

Both may be controlled to a large extent through the eventual recognition and acceptance that women are individuals with rights and responsibilities equal to those of men and with the knowledge that violence need not be present in any home.

Although it is realized that the problem of wife battering cannot be solved immediately, the following section sets out identified needs and services to be developed to properly address the issue.

PRESENTATION OF MODEL

SERVICE RANGE FOR ADDRESSING WIFE BATTERING IN NEW BRUNSWICK



3. PRESENTATION OF MODEL

From the preceding information, it can be determined that wife battering is not a single problem, rather it is a series of inter-related problems. In the same manner, wife battering cannot be addressed through the responses of individual departments of the provincial government. The solution can only be approached through a coordinated and multifaceted approach of the Departments of Education, Health, Justice and Social Services and volunteer groups and agencies. The important role which the volunteer/private sector has filled cannot be overemphasized nor can the importance of the continuation of their efforts.

Some of the services in the model are presently in place. Other services must be re-oriented or coordinated to place a greater emphasis on wife battering. Still others remain to be developed and implemented.

A model approach to the solution of this problem may be divided into five distinct parts:

Part I: Media Messages - Dissemination of information through the media and by other means.

Part II: Early Detection, Intervention, Referral - Pre-emptive responses/services in non-acute situations, i.e., peace bonds, programs for batterers.

Part III: Intensive Community Support Services - Post-assault responses/services, post-crisis intervention responses/services.

Part IV: Crisis Response - Immediate physical protection/ intervention.

Part V: Preventive Services - Identified services for development by education, health, justice and social services systems and the volunteer/private sector.

Part I: Media Messages

In the past, wife battering has received little public recognition. However, the issue has recently become highly visible through the media at both the national and local levels.

The Province of New Brunswick must continue to sensitize the public through the media as well as by various other methods (i.e., brochures, studies, information booths, seminars, film screenings) on both a short-term and long-term basis.

Information must be disseminated regarding the nature and severity of the problem of intra-family violence. As well, information must be supplied regarding services available for affected families. This includes creating an awareness of existing support services to avoid anticipated abuse or to change the pattern of established abuse. In addition, the provision of information on services available for victims in a crisis situation is of utmost importance.

Information regarding long-term prevention may be provided which specifically addresses the issue of wife battering, or may be emphasized in existing departmental services and programs. Such information may be relevant preventative messages or details regarding the availability of preventative services (stress management, "couples" counselling, parenting skills).

Part II: Early Detection, Intervention, and Referral

The response to non-acute wife battering, where immediate physical protection is not a necessity and where the wife does not fear the husband, is through the provision of community services.

Counselling may be sought by the victim or batterer on a self-referral basis or the abuse may be detected by health professionals or workers, social workers, school personnel, clergy, employers, crisis line workers or other referring agencies. It is important that these individuals or agencies receive training to achieve a level of awareness which enables them to provide initial detection, intervention and effective case referral. Although the uniformity of information provided is desirable, this may not be possible due to the nature of the professions involved.

In early detection and intervention, decisions must be made to determine what form of services or programs would be most effective for the individuals concerned. Such options might include: less intensive/preventative programs (see Part V); long-term/intensive services (see Part III); or a crisis response (see Part IV).

Appropriate intervention and referral will require an ongoing awareness of locally available services. Such information must be compiled and regularly updated on a provincial, regional and local basis. Individual departments providing such services or providing resources for the provision of such services are in the most effective position to establish such an inventory. By the consolidation of information and its re-distribution, a broad information base will be available to each department for initial and continual training as well as referral purposes.

PART III: INTENSIVE COMMUNITY SUPPORT SERVICES

Intensive community support services must 1) focus on intervention to terminate the pattern of offensive conduct; 2) provide therapy for affected individuals and families; and 3) be of practical assistance.

In order to fulfill these objectives, various modes of counselling are required: for the victim, abusive spouse, couples, children and family as a unit. This may include various forms of individual or peer group counselling or a combination of both.

One particular program which has been identified for immediate development is counselling for men who batter. This program should be accessible to batterers through self-referral, court order, a Diversion Program or referral from community agencies.

Various forms of counselling relating to domestic violence and its associated problems may be offered as a government service or by non-government agencies with qualified personnel. It is most important that these services be accessible in both rural and urban communities.

Committees must also be encouraged to develop volunteer support groups under professional leadership, such as Batterers Anonymous and other volunteer peer groups for the ongoing support of wives, children and batterers.

Transition Houses/Second Stage Housing

Transition houses provide a 24-hour a day, immediate service for women to assist them in leaving dangerous home situations.

Transition houses provide short-term counselling on rights, information on other available services, and referral to local medical, social, legal and police services. In addition to their main function as a form of alternate shelter, they are active in the development of education and publicity programs, and support groups for battered women.

However, there is also a need to develop second stage housing within the Province to broaden services provided to battered women. These services are necessary where the only option for breaking the pattern of abuse is the long-term removal of the victim from the violent situation.

Support Services

Support services must be created or expanded to assist in the process of allowing individuals, in particular the victims of wife battering, to make long-term changes to terminate the pattern of abuse. Such services may include second stage housing, child care services, career retraining, upgrading, financial planning or the provision of ongoing legal counselling.

Part IV: Crisis Response

A crisis response, where immediate physical protection is necessary, requires specific services.

Potential Initial Entry/Detection Points

Individual or agencies in initial entry/detection positions (i.e., police, transition house workers, crisis lines, hospital emergency rooms, social services, or members of the medical profession) require skills in responding quickly and effectively to crisis situations. Clear protocols are important and must be developed in areas where they do not currently exist. These should be developed in conjunction with the department which has direct contact with the specific profession or agency.

In crisis situations, immediate action, effective decision-making and appropriate referral are crucial. Thus, an awareness of local and regional services is essential (see Part II - Early Detection, Intervention and Referral).

The decision regarding the need for immediate physical protection will normally rest with the victim. However, these decisions are not necessarily made in isolation, but may include the participation and informed assessment of a police officer, crisis intervenor, health professional or social worker. Where intervention in a crisis situation is made by an agency other than the police, the importance of reporting the abuse should be stressed. Emphasis should also be placed on the benefits of social worker/police follow-up.

A joint police/social services intervention strategy has been identified as the most important service to be developed. Intervention teams will be composed of a police officer and a social worker employed by the police, a volunteer or an employee of the Department of Social Services. It is hoped that joint intervention will help to recognize the criminal nature of the offensive action, and yet will introduce the availability and importance of counselling. The option of participation in a program of therapy for the batterer is fundamental to alleviating the problem.

Part V: Preventative Services

The prevention of abuse touches many issues and areas which are now undergoing social change. This is based on an attempt to achieve a non-violent society, where problems are resolved through non-violent means. Ideally, the problem of wife battering can only be resolved where equality in relationships between the sexes is achieved. The following programs have been identified as essential in order to work towards this ultimate goal.

1. Education

Ideas and suggestions brought to the attention of the Working Group which deserve further consideration include the following:

a) Concentrate on programs which address problems such as family violence by dealing with the social-affective development of the child. Adequate time must be allocated within the school year for such programs.

b) Ensure the implementation of interpersonal relationship skills as part of the curriculum in the initial teacher training programs.

c) Make available, as appropriate through the school system, public education materials dealing with the early detection of family violence, the consequences of physical and mental abuse and information regarding resources available within the community for victims of violent homes.

d) Incorporate values exploration and clarification into the current curriculum with respect to the following topics: respect for others; non-violence; and sexual equality.

e) Assist students to identify options in personal lifestyles and in personal relationships. This should include methods of expressing emotions and decision-making techniques in conflict situations.

f) Emphasize the role of physical activity in enhancing physical and mental health.

g) Minimize traditional sex roles and expectations in all areas of the education system.

2. Health and Social Services - Community-Based Preventative Programs

These services, which may be offered by government and non-government agencies and organizations, should be directed to high risk groups. Many of these programs will have an optimal benefit when the individuals are entering a new life phase and are most receptive to attitudinal and behavioural changes. Such services may include:

a) Marriage preparation classes to develop interpersonal skills as a method of solving domestic disputes;

b) Parenting classes including such topics as: discipline without physical punishment, how to respect the needs and feelings of parents and children;

c) Stress management and exercise/activity related programs which provide options for control of stress on a regular and on a "crisis basis".

3. Justice

Further research is required into all areas of the law (both common law and statutory law) to identify laws or practices which may have a discriminatory application vis-a-vis males and females. The long-term objective would be to eradicate discrimination based on sex. This would include an examination of the concept of unity of legal personality of husband and wife.

Statistics on spousal assault must be maintained and include: the number of complaints by type (assault, assault causing bodily harm, aggravated assault, etc.); the action taken by the state relating to the incident; and the subsequent disposition. This will result in the development of a data base providing accurate information for various functions: public information; abuse statistics and patterns; and planning functions. In addition to statistics being maintained by the justice system, information relating to wife battering should be recorded by other departments or agencies where this is feasible and the information meaningful.

Consideration must also be given to the development of a Diversion Program for the aggressor in spousal violence. This type of program should be offered as an alternative to the laying of a charge in specific instances. A Diversion Program will satisfy the requirement that an offender recognize that he has committed a criminal act and will allow greater flexibility in the justice response. In addition, it will encourage early detection and provide the possibility of rehabilitation.

4. Occupational

The occupational sector is often overlooked as an area which is directly affected by family violence. Preoccupation with serious personal problems may result in an increase in injuries in the workplace, or more commonly a decrease in productivity or quality of product. Therefore, employers may be interested in providing various programs:

a) Employee assistance programs;

b) Orientation and skills development for those occupational groups identified as being at high risk for battering;

c) Lifestyle programs.

5. Media

Various departments, volunteer groups and the general public must continue to encourage recognition of the importance of non-violence and sexual equality in the media. Such organizations must also work toward the adoption of voluntary media guidelines regarding violence and sexual equality in television, radio, magazines, newspapers, and children's books.

4. INVENTORY OF SERVICES/POLICIES PRESENTLY IN PLACE IN NEW BRUNSWICK

The following identifies existing programs, services and policies in New Brunswick which may directly or indirectly address the problem of wife battering. Although the information has been provided by the four Departments concerned: I. Justice; II. Health; III. Social Services; IV. Education; some overlap in the delivery of services and the funding of programs does occur.

I. CRIMINAL JUSTICE SYSTEM

Policies

There are three departmental policies of the Department of Justice which address the issue of wife battering. The Prosecutions Policy and Police Policy stress that spousal assault is a serious crime that may be dealt with by the police laying criminal charges or the victim applying for a peace bond.

The Policy on Police Training provides for a family crisis intervention course of one week's duration to be delivered at the Atlantic Police Academy.

Programs

There are no programs specifically tailored for wife batterers or the victims of wife battering. There are two programs - the victim/witness pilot project and the Restigouche Family Crisis Intervenors - which provide services to batterers and victims within their general service delivery.

Police Intervention Training

All municipal police and RCMP agencies have some training programs for their officers regarding how to deal with domestic violence. A family crisis intervention course of one week's duration is also offered at the Atlantic Police Academy.

Court Orders/Peace Bonds

The Criminal Code of Canada defines "assault" in various forms, and provides penalties varying from discharges to probation, fines to imprisonment. In addition, there is the provision for what is commonly called a "peace bond" or a form of probation to moderate the offensive behaviour of the spouse.

The ultimate and short-term impact of a Judge's sentence in a probation order could be the forceable separation of the parties, to the extent that the offending party may be ordered to live separate and apart and have no contact with the other spouse and/or the children.

Conditions of Probation

Batterers placed on probation may, as a term of their probation, be ordered to attend mental health clinics for counselling and may be ordered to abstain from the use of alcohol.

Programs for Batterers

Short of an occasional contact with a probation officer, there is no other formal program for wife batterers within the criminal justice system in New Brunswick. A valid consideration in dealing with wife batterers may be the establishment of a Diversion Program.

Legal Aid for Victims

The Department of Justice is indirectly involved with both spouses in family violence situation. Legal aid may be provided to the individual charged with a criminal offence and civil legal aid may also be provided to the victim spouse who is seeking a divorce. There is not a great demand for legal aid certificates from spouses seeking divorces as a direct result of family violence. Statistics for criminal legal aid do not indicate if an application for a legal aid certificate stems from family violence.

Police Statistics - Research

The Justice Research and Planning Statistics do not identify wife battering within the general category of assault. Statistics can be produced showing the incidence of simple assault, aggravated assault, sexual assault, murder and the granting of peace bonds, but within the category of the given offence, they cannot be identified as containing elements of domestic violence or wife battering. Furthermore, these statistics, do not identify the number of complaints received by police relating to wife battering or family violence. Statistics relating to the number of complaints could be obtained by checking with all individual police forces and by examining each complaint to identify whether it involves elements of wife battering or family violence.

Public Education

The Department of Justice does not have a formal program for the victims of wife battering, other than that of a general information bulletin which is provided to all victims of crime, particularly when it is anticipated that victims will be required to testify. Two pamphlets recently published by the Department -

"What Victims Should Know" and "What Witnesses Should Know" - are part of an on-going re-emphasis of the needs of victims and witnesses of crime. These have been reasonably effective in assisting witnesses and victims to fully understand their situation once the criminal justice system is brought into play.

The Department has further established two pilot projects known as the "Victim/Witness Coordinator Programs" to provide information and counselling services to witnesses who will be required to testify in Court. This service extends to assisting victims and witnesses in finding babysitting services, transportation to and from Court, and providing information regarding what is expected of the witness in Court (type of questions which will likely be asked, proper dress, how to address the Court, etc.). Initial indicators suggest that as a direct result of the counselling, witnesses are much more at ease and knowledgeable of what is expected of them when they are required to testify.

II. HEALTH

Policies

The Department of Health does not have policies which directly address the issue of wife battering. However, there are a number of policies which have an indirect bearing on the departmental approach to the provision of health services to meet the needs related to this significant problem in the community.

a) The Department of Health is committed at the policy level to achieving an effective and efficient balance of necessary health services ranging from prevention (including education), early detection, and diagnosis through to treatment, rehabilitation, and follow-up for health maintenance purposes.

b) The Department is also committed, at the policy level, that the range of necessary health services be available and accessible to those requiring them.

c) Population-based needs form a cornerstone of departmental decisions to fund health programs and services within the context of funds available to the government.

Programs

There are four general programs providing services related to wife battering: 1) medicare (physician payment); 2) hospital services (emergency and out-patient, in-patient); 3) mental health clinics; and 4) public health. Both medicare and hospital services are cost-shared with the federal government.

Hospital Procedures/Emergency Room Response

Few formalized programs are in existence which relate to hospital based services. However, a survey of hospitals revealed that there is genuine interest in this area and some hospitals are making attempts to address the issue of proper procedures and protocols.

Hospitals presently deal with cases of wife battering in three ways:

a) referrals are made to the Social Work Department;

b) arrangements are made to have the wife stay in a transition house for a period of time;

c) arrangements are made for individual counselling.

Treatment Programs for Victims and Offenders

Treatment is available for victims and offenders through mental health clinics which form a portion of community-based services. All of the mental health clinics offer counselling and psychotherapeutic services for individuals who present themselves to the clinic. Consultation is also available to existing community programs or groups within each of the health regions. For example, the Mental Health Clinic in Moncton estimates that twenty-five (25) women and three (3) men were seen last year in relation to wife battering. The clinic also participated in sponsoring a continuing education workshop in this area and cooperated with a variety of community programs such as "Options, Counselling for Men Incorporated".

Public Education

Although at the present time there are no formalized public education programs, their establishment has been recommended as service improvements which may be provided through mental health clinics or through public health.

Workshops have been sponsored in this area such as the continuing education workshops sponsored by the Mental Health Clinic in Moncton.

III. SOCIAL SERVICES

Legislation

The Child and Family Services and Family Relations Act, S.N.B. 1980, c. C-2.1 addresses the issue of wife battering. Part III of the Act (Protection Services) and, in particular, sections 31(1)(f) and 58(2) provide some form of service for abused mothers and their children. For this purpose an abused mother is defined as a pregnant woman, a mother, or a de facto mother who is a victim of physical abuse, sexual abuse, emotional abuse or any combination of the above, alleged to have been inflicted by her legal or common-law spouse.

Policies

The Services to Abused Mothers and Their Children Policy addresses the issue of wife battering for this identified group.

Under this policy services are available during office hours through the established screening procedure of each office. Emergency services are available after office hours through the On-Call Service.

Policy further provides that women entering transition houses or emergency shelters who do not have sufficient resources immediately available will have the per diem rate paid on their behalf. Any monies paid on their behalf would not affect any other assistance to which they may be entitled.

Programs

There are four programs in existence which relate to the issue of wife battering: 2) the Child Protection Program (which assumes that family violence is present in 30 to 40 per cent of the caseload); 2) Transition Houses; 3) Emergency Shelters; and 4) the Restigouche Family Crisis Interveners (funded jointly with the Department of Justice).

Federal Programs. There is a federal contribution equal to the amount of provincial funding (50 per cent) to transition houses and emergency shelters.

Counselling Programs

For Batterers. A course entitled "Men Who Batter Course" was offered last year in Saint John, New Brunswick.

For Victims. Upon contacting the Department of Social Services, or shortly after admission to a home, counselling services may be provided. Services provided through the Services to Abused Mothers and Their Children Policy include crisis intervention counselling through which the worker will support the woman in making any short-term decisions and in coping with her immediate situation. Follow-up counselling may also be provided and may include further counselling, financial services and referral services to other agencies enabling the mother to resolve her situation on a long-term basis. Where it is apparent that the mother has needs beyond the Department's mandate and services, she will be referred to the appropriate community resource such as a mental health clinic, doctor, police, family court, or other needed service.

Welfare

Emergency Income. Payment of the per diem rate for transition houses and emergency shelters is considered to be entirely separate from any other financial assistance which the client may receive, and is not income tested. This allows the woman to stay in the facility without having to account for her lack of access to family funds and allows the woman to either return to her husband or apply for social assistance without the cost of the per diem being treated as income.

Services through the Services to Abused Mothers and Their Children Policy include the provision of emergency financial assistance towards temporary accommodation and meals for those who cannot rely on relatives or friends. Emergency shelters or motels may be used in accordance with local resources. If the abused mother requires immediate financial support due to the urgent nature of the situation, immediate access to social assistance (income maintenance) is arranged.

IV. EDUCATION AND SPECIAL GROUPS

Policies

There are no policies of the Department of Education which address the issue of wife battering.

Programs

There are no programs which directly address this issue.

Public Education

There are no departmental programs available through the school system which focus on the issue of wife battering. However, there are school system activities which indirectly address some aspects of this issue.

Standards of interpersonal behaviour are discussed in some parts of the health curriculum, particularly in relation to maturity and mental health. Programs are also available to assist children in understanding their own feelings and those of others. In programs such as "DUSO" (Developing and Understanding Self and Others), and "Magic Circle", self-expression in groups is the primary technique used.

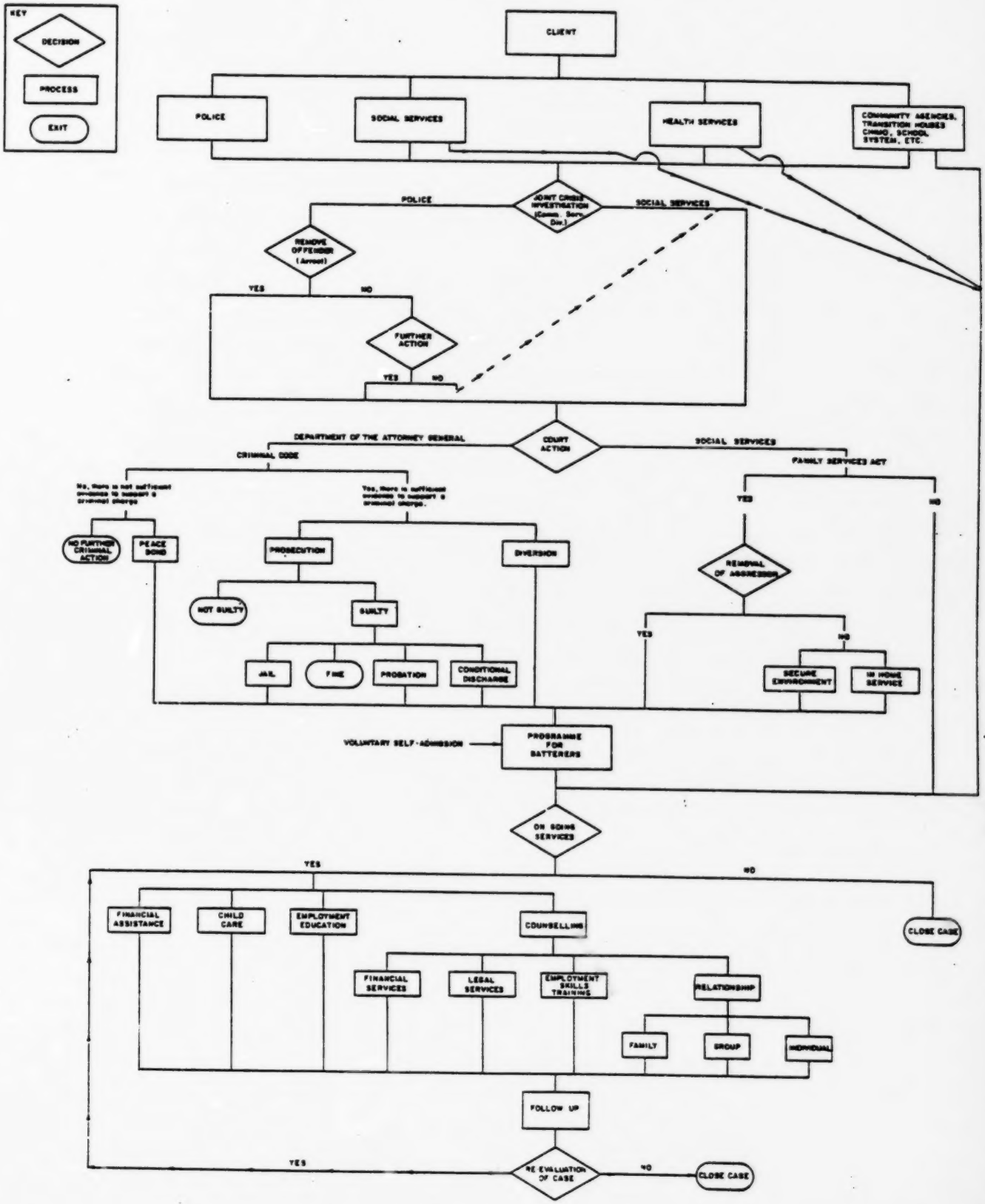
Acceptable norms of behaviour among adults are discussed as part of "values" education. Materials on this broader subject are being developed and implemented as pilot projects, particularly in the Francophone sector of the Department (valeurs humaines).

The School has traditionally accepted a responsibility to model and reinforce mature interpersonal behaviour, including the rejection of violence as a satisfactory means for relieving frustrations or achieving ends.

Specific Cases

Family violence does at times come to the attention of school counsellors, who respond on an incident basis. Intervention tends to be limited and oriented towards dealing with the student's ability to cope. Protection of the intervenor against reprisal is a valid concern.

PROCESS DIAGRAM



5. WIFE BATTERING RESPONSE MECHANISMS AND SERVICE DELIVERY

The preceding diagram is a visual aid in demonstrating service delivery but is contingent upon the following recommended services being implemented: 1) joint intervention team/service; 2) Diversion; 3) expansion of the availability of orders under the Child and Family Services and Family Relations Act (the inclusion of battered women as abused or neglected adults); and 4) program for batterers.

The framework for decision-making in response to a critical wife battering situation should be well defined. Therefore, the preceding "Process Diagram" graphically illustrates the different options available at various points in the decision-making process.

It is important to note that the timeframe required for the decision-making process as outlined in the Diagram is not specified. Timing in these decisions will depend upon the experienced judgment of service providers and on the requirements of each individual case.

In addition, it is essential that the necessary protocols, policies and standards are developed and enforced to ensure a consistent approach to wife battering.

With reference to the Diagram, a client may access the system through one or more of four entry points: 1) Police; 2) Social Services; 3) Health Services; 4) Community Agencies/Services (i.e., Transition Houses, Chimo, School Counsellors, etc.). Where the client has contacted the police, joint investigation of the matter by the police and Social Services is mandatory. When the client initially contacts Health Services, Social Services or Community Agencies/Services, several scenarios may follow. The case may be referred for a joint investigation; a referral may be made to provide ongoing services to the client and the family; or both may be appropriate responses depending on the circumstances of the case.

Joint Crisis Investigation

In crisis situations, where joint investigation of the problem is the appropriate response, the investigation will be conducted by a crisis intervention team of police and Social Services. Two courses of action are available which may proceed simultaneously. Both court action and/or the voluntary provision of services under the Child and Family Services and Family Relations Act may be considered. Where police action is appropriate, the decision must be made whether or not the offender should be removed (i.e., arrested). If removal is necessary, the arrest is made, charges may be laid and the process is assumed by the Department of the Attorney General. If the offender is not arrested, a decision must be made regarding whether further police action is required or possible. If additional police involvement is not necessary, the matter may then be redirected to Social Services for assessment of the action to be taken or the services to be provided under the Child and Family Services and Family Relations Act. If further police action is required and possible (i.e., the existence of reasonable and probable grounds), charges may be laid and the process is assumed by the Department of the Attorney General.

Court Action

It is important to note that action recommended by Social Services and the Attorney General (as civil and criminal actions) may proceed simultaneously or a joint decision may be made on the appropriate response in each situation.

a) Insufficient Evidence to Support a Criminal Charge

Where it is decided that there is not sufficient evidence to support a criminal charge, two possible results may ensue. If no further criminal action is possible or pursued, the batterer's

involvement with the justice system terminates. As an alternative, and in appropriate situations, the victim may be encouraged and supported in seeking an application for a peace bond, a condition of which may be the participation of the batterer in a program for batterers.

b) Sufficient Evidence to Support a Criminal Charge

If there is sufficient evidence to support a criminal charge, the accused may be prosecuted, or in certain circumstances, he may be eligible for a Program of Diversion. A prosecutions-based Diversion Program provides direct access to, and requires the participation in, a rehabilitative program for batterers. In cases where prosecution is the desirable or only option, and the accused is found not guilty, the involvement of the criminal justice system ceases. Where a finding of guilt is made, there are four basic sentences: 1) jail sentence; 2) fine; 3) probation; or 4) discharge. In all situations, other than where the accused is acquitted of the charge or where a fine is imposed, direct access is available to a program for batterers. However, this does not preclude the possibility of voluntary access by the batterer to available services or to a program for batterers. At this point, the involvement of the justice system normally ceases, except for the monitoring of probation orders.

c) Insufficient Evidence to Support an Application Under the Child and Family Services and Family Relations Act

In addition to, or as an alternative to, the contemplation of initiating proceedings under the Criminal Code, it must be determined whether proceedings may be instituted under the Child and Family Services and Family Relations Act. If proceedings are not commenced, direct access to a program for batterers is not provided unless there is voluntary self-admission by the batterer. However, the case is assessed for the need and desirability of providing other ongoing services.

d) Sufficient Evidence to Support an Application Under the Child and FAmily Services and Family Relations Act.

If proceedings under the Child and Family Services and Family Relations Act are instituted, an order may be sought removing the aggressor from the home. As an alternative, or in addition to the removal of the aggressor, an order may specify any action to be taken to secure the home environment, or may include the provision of in-home services. In all instances where an order is made, access is provided to a program for batterers. If no order is made, the appropriateness of services which may be voluntarily accessed by the individual is assessed.

Thus, it can be seen that participation in a program for batterers is accessible at eight points or phases of the legal/social process: 1) peace bond; 2) jail sentence; 3) probation order; 4) discharge; 5) Diversion; 6) an order for removal of aggressor under the Child and Family Services and Family Relations Act; 7) secure environment; and 8) in-home service. It is also possible for the batterer to enter the program for batterers on a voluntary self-referral basis, which may be offered in conjunction with other services.

Ongoing Services

The program for batterers provides indirect linkage with an assessment of the feasibility and the desirability of providing ongoing services for the batterer and other members of the family unit. Social Services, Health Services and Community Agencies may also refer individuals directly to ongoing services. Referrals may also be made under the Child and Family Services and Family Relations Act, after joint police/Social Services investigation and following the decision that an application for an order under the Act is neither desirable nor feasible.

By the nature of the services provided, participation by the batterer, victim or other family members must be voluntary. If it is decided that ongoing services are not required and/or the individual does not wish to participate in available programs or to receive services, the case is closed.

If ongoing services are desirable, four forms of services may be provided: 1) financial assistance; 2) child care; 3) employment education; and 4) counselling. Counselling may be offered with respect to financial services, legal services, employment skills training and relationship counselling. These forms of counselling may be offered singly or simultaneously. Relationship counselling may involve family, group or individual counselling or any combination of these three forms.

If some form of ongoing service is provided, there will be an automatic follow-up of the case, which in turn will result in a case evaluation or re-evaluation. If further services are not desired or required, the case is closed. If another form of service not previously provided or further service is required, the individual may be referred back to ongoing services and subsequent re-evaluation.

RECOMMENDATIONS
OF
THE NEW BRUNSWICK WORKING GROUP
ON
WIFE BATTERING

May 4, 1984

	RECOMMENDATION	RELEVANT DEPARTMENT
1.	School system initiatives should concentrate on prevention, by using approaches which give attention to problems such as family violence, in addressing the broader question of the social-affective development of the child.	EDUCATION
2.	Time should be allocated within the school day and the school year for programs designed to develop social-affective skills.	EDUCATION
3.	School Boards should ensure that their staffing arrangements provide for the necessary qualified individuals to support such programs.	EDUCATION
4.	The Department of Education should review existing programs designed to aid students' social-affective development and skills, in order to select the most appropriate for use in the school system.	EDUCATION
5.	The Department of Education should monitor the use of social-affective development programs throughout the school system.	EDUCATION
6.	The Schools Act should be amended to ensure the confidentiality of professional and case records.	EDUCATION
7.	The Department of Social Services, in cooperation with the Departments of Education, Health and Justice, should collect and consolidate information on all regional and community services available to battered women, batterers and children who are victims of violent homes.	SOCIAL SERVICES Education Health Justice

	RECOMMENDATION	RELEVANT DEPARTMENT
8.	The Department of Social Services, in cooperation with the Departments of Education, Health and Justice, should sponsor a public awareness campaign related to wife battering. The campaign should include media and school-based programs and involve such subjects as: (a) the early detection of family violence; (b) ways to prevent family violence; (c) the legal and social consequences of physical and mental abuse; (d) available services and resources for battered women, batterers, and for children who are victims of violent homes.	SOCIAL SERVICES Education Health Justice
9.	The Departments of Education, Health, Justice and Social Services should establish, where appropriate, protocols for professionals within their areas of service, for the early detection of and management of wife battering and for the referral of victims and batterers to specialized services.	EDUCATION HEALTH JUSTICE SOCIAL SERVICES
10.	The Departments of Health, Justice and Social Services should design and implement educational programs for in-service training of their respective professionals, where appropriate. The objective would be to sensitize them to the problem of wife battering and to increase skills in the detection of family violence, management of the crisis response phase for victims and referral of cases to community resources. The Department of Social Services, in cooperation with the Departments of Health and Justice, will develop an appropriate training package for training professionals in the educational system.	HEALTH JUSTICE SOCIAL SERVICES

	RECOMMENDATION	RELEVANT DEPARTMENT
11.	The Departments of Education, Health, Justice and Social Services should encourage the inclusion of training or more intensive training with respect to the acquisition of necessary skills relating to domestic violence in initial training programs for professionals.	EDUCATION HEALTH JUSTICE SOCIAL SERVICES
12.	A provincial "crisis line" telephone service should be established by the Department of Social Services for the provision of information or direct referral to available services for battered women.	SOCIAL SERVICES
13.	The Child and Family Services and Family Relations Act and the regulations under the Act should be expanded in the area of adult protection to include battered women.	SOCIAL SERVICES
14.	The concept of the "protective intervention order" under the Child and Family Services and Family Relations Act, which allows the removal of the offending person from a place of residence, should be expanded for use in situations of domestic violence relating to wife battering.	SOCIAL SERVICES
15.	The Department of Social Services shall assume responsibility for establishing minimum service standards in the following areas: (a) emergency housing; (b) the social service component of crisis intervention. (c) rehabilitative services	SOCIAL SERVICES

	RECOMMENDATIONS	RELEVANT DEPARTMENT
16.	The Department of Social Services shall encourage greater access to income security, training and employment services, training funds, rehabilitative courses, and legal information for battered women who either return home or who establish a separate family unit.	SOCIAL SERVICES
17.	The Department of Health, in cooperation with the Department of Social Services, should ensure the provision, on a provincial basis, of a network of community services to assist individuals in establishing non-violent behaviour patterns as a means of responding to situations of domestic violence.	HEALTH Social Services
18.	The Department of Health should encourage the development of employer or employee sponsored programs in both the private and public sectors which address methods of dealing with aggressive behaviour, stress or life-style problems.	HEALTH
19.	The Department of Social Services, in cooperation with the Department of Health, should ensure the provision, on a provincial basis, of a network of community services to assist in: (a) the management of individual domestic situations where domestic conflict has escalated to the point of violent behaviour; and (b) the management of long-term domestic situations where there are outbursts of violent behaviour including: (i) alternate housing arrangements, (ii) marital counselling, (iii) peer groups counselling, and (iv) individual or group counselling for victims and batterers.	SOCIAL SERVICES Health

	RECOMMENDATION	RELEVANT DEPARTMENT
20.	The Department of Social Services, in cooperation with the Department of Health, should encourage and support the private sector in the development of support groups, using professional leadership, for the victims of battering, batterers and the children who are victims of violent homes.	SOCIAL SERVICES Health
21.	The Department of Social Services, in cooperation with the Department of Health, should establish a counselling program for batterers. This program must be accessible by the Departments of Health, Justice and Social Services as well as being accessible to batterers on a voluntary, self-admission basis.	SOCIAL SERVICES
22.	In crisis situations, the investigation and crisis intervention of spousal assaults should be conducted by a police and social worker crisis intervention team. (See Appendix A)	JUSTICE SOCIAL SERVICES
23.	Police policy should be amended to encourage arrest where there is evidence of bodily harm or a substantial risk of the continuation of an assault situation. This is not intended to fetter a peace officer's discretion whether to arrest.	JUSTICE
24.	In cases where the batterer had to be removed from the family home and has remained in custody pending the laying of a charge, and where a charge is laid and the accused is arraigned, the Crown Prosecutor should request a show-cause (bail) hearing and object to the unconditional release of the accused where he does not enter a guilty plea on this first appearance.	JUSTICE

	RECOMMENDATION	RELEVANT DEPARTMENT
25.	A prosecutions-based Diversion Program should be developed as an alternative approach available in the criminal justice system (See Appendix B)	JUSTICE
26.	An application for a peace bond (Section 745 of the Criminal Code) should be pursued only where there is insufficient evidence of the commission of a criminal offence. This procedure shall be used as a pre-emptive restraint rather than as an alternative to a criminal charge.	JUSTICE
27.	A higher priority should be placed on domestic assaults to more quickly expedite them through the trial process. In summary conviction cases, the period from plea to trial should not exceed two weeks.	JUSTICE
28.	A victim/witness court worker service should be made available in all courts, and thus shall be accessible to all victims of domestic violence.	JUSTICE
29.	In cases where there is sufficient evidence to support a criminal charge, the views of the victim should be considered either by the Diversion Program Committee or, where no Program of Diversion exists, by the Crown Prosecutor. Where the victim is not afraid of her husband and does not want the family to be broken up, the Committee should take into account the victim's views in considering whether Diversion should be offered as an option to the batterer. Where no Diversion Program exists, the Crown Prosecutor should consider the views of the victim with respect to an application for a peace bond. However, any views of the victim which are motivated by fear of reprisal should not be considered by either the Committee or the Crown Prosecutor.	JUSTICE

	RECOMMENDATION	RELEVANT DEPARTMENT
30.	Where a victim of abuse is a hostile witness, refuses to testify and is found in contempt of court, consideration should be given to punishment alternatives such as community service or a form of probation.	JUSTICE
31.	In cases where charges have been laid, the accused has pled "not guilty" and the victim subsequently wishes to "drop the charges", the views of the victim shall be given consideration. However, they shall not necessarily be the deciding factor of whether to withdraw the charge. The decision to withdraw should be made only after the victim/ witness indicates she will refuse to testify and there is no independent or corroborating evidence to support the charge.	JUSTICE
32.	The Attorney General shall continue the current policy of the police laying charges in cases of spousal assault rather than the complainant. (This does not preclude the right of any citizen to lay an information.)	JUSTICE
33.	Statistics on spousal assault shall be maintained by the Department of Justice including the number of complaints by type (assault, assault causing bodily harm, aggravated assault, etc.), the action taken by the state relating to the incident, and the subsequent disposition.	JUSTICE
34.	The Department of Justice shall conduct further research into all areas of the law to identify any cause or practice which has a discriminatory application. The long-term objective shall be the eradication of discrimination based on sex.	JUSTICE

	RECOMMENDATION	RELEVANT DEPARTMENT
35.	The Attorney General should make a clear public statement of policy relating to spousal assault in New Brunswick.	JUSTICE
36.	The New Brunswick Working Group on Wife Battering shall continue to be chaired by the representative from Cabinet Secretariat - Women's Directorate, and with representation from the Departments of Education, Health, Justice and Social Services. It will monitor government activities undertaken in relation to wife battering and will formally report on progress achieved to the Minister Responsible for the Status of Women every six months. These reports will form the basis of an annual report to be submitted to the annual meeting of the Federal/Provincial/Territorial Ministers Responsible for the Status of Women.	CABINET SECRETARIAT-WOMEN'S DIRECTORATE Education Health Justice Social Services

APPENDIX A

CRISIS INTERVENTION

The message received by the New Brunswick Working Group on Wife Battering from virtually all interested community groups is that spousal assault must be recognized as a crime. At the same time, mandatory reporting of spousal abuse, mandatory charging of offenders or a mandatory term of imprisonment for those convicted of spousal assault have not been included as forthcoming recommendations. What has been recommended involves a more concerted and purposeful intervention in families where there is domestic violence, more effective use of community resources, better coordination of services and involvement of the Departments of Health, Justice and Social Services and more intensive training for those acting as intervenors in domestic violence.

To respond to these needs, the most important service to be developed is the implementation of a police/social service joint intervention strategy to be used in situations of domestic violence. Intervention teams may consist of a police officer and a volunteer, a police officer and a social worker employed by the police, a police officer and an employee of the Department of Social Services. While the criminal nature of the abuse will be recognized, joint intervention will introduce the availability and importance of counselling and hopefully will provide access to a program of therapy for the batterer.

APPENDIX B

DIVERSION

To provide greater flexibility in the Justice response, while remaining firm in the requirement that a batterer acknowledge that he has committed a criminal act, the New Brunswick Working Group has recommended the establishment of a Program of Diversion. This program would be available to the aggressor in spousal violence as an alternative to the laying of a charge where, in the opinion of both the Crown Prosecutor and the police, there is sufficient evidence to support the laying of a criminal charge. It is a prosecutions-based Diversion with the emphasis being primarily on the rehabilitation of the genuinely repentent candidate whose conduct is otherwise out of character and where the wife and children want the family to remain intact and do not wish to prosecute. Diversion would not be available to an aggressor who has previously been convicted of a spousal assault or who has previously undergone a Program of Diversion where spousal assault was the offence. Furthermore, Diversion would not be available in cases where there is serious bodily injury to the victim, or where the accused was arrested and remained in custody to prevent a recurrence.

All cases otherwise not ineligible for Diversion will be screened by a Diversion Committee to determine whether the accused should be offered the option of Diversion. The Committee would include the local Crown Prosecutor, police investigator, a social worker and others. The Crown Prosecutor does not decide which case should be eligible for consideration by the Diversion Committee. Eligibility is determined by clearly defined guidelines. The Prosecutor's role is to determine whether there is sufficient evidence to support a criminal charge. The Committee then decides who should be offered Diversion.

With the public well briefed that reporting an assault to the police will not automatically result in a criminal charge and that the response of the state is flexible, battered women may be more likely to report an assault. Thus, it is hoped that aggressive behaviour will be curtailed before it gets totally out of control.

In summary, Diversion would satisfy the requirement that the offender recognize that he has committed a criminal act, would encourage early detection and hopefully, rehabilitation.